

As of 1/21/05 this document has been rescinded and is no longer applicable

Requirements for Small Source Permitting and Exemptions

Three new exemptions from construction permitting recently became effective. These exemptions, which can be found in 567 Iowa Administrative Code (IAC) 22.1(2), apply to specific types of equipment that are used for nonproduction activities, vented indoors, or are manually operated, and equipment that meets the definition of a small unit. The new exemptions, combined with the other 20 exemptions in 567 IAC 22.1(2), have facilitated a change in the department's previous policy regarding air construction permitting requirements for some equipment, including indoor venting equipment.

Specifically, as stated in 567 IAC 22.1(1), stationary air pollutant emitting equipment constructed or modified after September 23, 1970 (April 22, 1987 for volatile organic compound (VOC) only emitting equipment), are required to obtain an air construction permit prior to construction or modification. This is true for all stationary equipment with air pollutant emissions that could be reasonably captured and vented to the atmosphere through a stack, chimney, vent, or other functionally equivalent opening, unless the equipment are covered by an exemption specified in 567 IAC 22.1(2).

This requirement to either permit the equipment or use an applicable exemption now includes most indoor venting equipment. In the past, the department has informed operators and owners of stationary indoor air pollutant emitting equipment that the equipment was required by rule to have a permit but that the department was not asking the owner or operator to permit the equipment at the time. Business and industry, however, desired to have a clear understanding of what equipment should be permitted. The addition of the new exemptions allows the department to make this distinction for business and industry. The department is now requiring most indoor venting equipment to either be permitted or covered by an exemption. Emissions vented into the interior of a building by indoor venting equipment are eventually exhausted to the exterior of the building through openings such as building vents, window, doors, etc. These emissions then impact ambient air.

EPA has not defined what is considered "reasonable" regarding the capturing and venting of emissions. Through application, however, the definition of reasonable is usually based on whether emissions from similar equipment at other facilities are being captured and vented through a stack or vent. If an owner or operator is uncertain about the permitting requirements for stationary equipment located at their facility, they should contact 1-877-AIR-IOWA for assistance.

The department had originally provided a 90-day implementation period for owners or operators of equipment that have not been previously permitted to submit air construction permit applications for all equipment that can not be covered under one of the 23 exemptions from construction permitting. The 90-day implementation period was started on June 1, 2004. This implementation period has been extended to February 28, 2005 to allow further evaluations of the impacts of this requirement. Facilities using the small unit exemption for existing unpermitted equipment will also have until February 28, 2005 to complete their small unit exemption justification document. The department realizes that this may be problematic for owners or operators that may now need to obtain construction permits for equipment that the department did not previously permit, particularly processes vented indoors. Therefore, the department will not pursue enforcement action during this period. After February 28, 2005, department staff will use their enforcement discretion on a case by case basis.

Fact sheets and other information associated with the new construction permitting exemptions can be found at www.iowacleanair.com. Click on the "Construction Permits" link under the Professional Site menu.